

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

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TYLER, TEXAS
EASTERN

KENNETH BRENT BARTON

§

VS.

§

§

§

CIVIL ACTION NO. 9:00CV157

BILL YOUNG, FORMER CITY OF TYLER

§

POLICE CHIEF; KEN FINDLEY, FORMER

§

ASSISTANT CITY OF TYLER POLICE CHIEF;

§

GREG GRIGG, CAPTAIN, CITY OF TYLER

§

POLICE OFFICER; CLAYTON PERRETT,

§

DETECTIVE, CITY OF TYLER POLICE

§

OFFICER; JOHN BROWN, SERGEANT, CITY

§

OF TYLER POLICE OFFICER; AND THE

§

CITY OF TYLER

§

JURY

JUDGE WARD

PLAINTIFF'S DESIGNATION OF TRIAL WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Kenneth Brent Barton, pursuant to this Court's Docket Control Order and Amended Discovery Order dated September 27, 2001, and Amended Discovery Order dated February 5, 2002 in the above styled case and under the management of the court's docket under Fed.R.Civ.P. 26, Plaintiff hereby makes his designation of trial witnesses to Defendants, Bill Young, Former City of Tyler Police Chief; Ken Findley, Former Assistant City of Tyler Police Chief; Greg Grigg, Captain, City of Tyler Police Officer; Clayton Perrett, Detective, City of Tyler Police Officer; John Brown, Sergeant, City of Tyler Police Officer; and the City of Tyler

(1) TRIAL WITNESSES

Kenneth Brent Barton
21825 B Road
Frankston, Tx 75763

Plaintiff

F. R. (Buck) Files, Jr.
Bain, Files, Jarrett & Bain, P.C.
109 West Ferguson
Tyler, Texas 75702
Telephone: (903) 595-3573
Plaintiff's Retained and Designated Expert

William Rathburn
1761 FM 1801
Mineola, TX 75773
Telephone: (903) 569-9434
Plaintiff's Retained and Designated Expert

Jim Wilkins
Federal Bureau of Investigation - Tyler
3301 Golden Road, Ste. 300
Tyler, Texas 75701
903/592-4301
Mr. Wilkins is an agent with the FBI and is a non-retained designated expert for Plaintiff.

Jack Skeen, Jr.
1224 Kingsbury Drive
Tyler, Texas 75701
903-581-7768
Mr. Skeen is a Smith County District Attorney and a non-retained designated expert for Plaintiff.

David Dobbs
112 East Line, Ste. 300
Tyler, Texas 75702
595-1160
Mr. Dobbs is a former Smith County District Attorney, an attorney in Tyler and is a non-retained designated expert for Plaintiff.

Bill Horton
Tyler Police Department
711 West Ferguson
Tyler, Texas 75702
Officer Horton is a City of Tyler Police Officer and a non-retained designated expert for Plaintiff.

Sergeant Eddie Clark
Tyler Police Department
711 West Ferguson
Tyler, Texas 75702

Officer Clark is a City of Tyler Police Officer and a non-retained designated expert for Plaintiff.

Joe Smith
Tyler Police Department
711 West Ferguson
Tyler, Texas 75702

Mr. Smith is the former president of the Fraternal Order of Police and a non-retained designated expert for Plaintiff.

Jimmy Negem
Luke Bickham
Collen Clark
Negem, Bickham & Clark, P.C.
440 S. Vine
Tyler, Texas 75702
Telephone: (903) 595-4466

Messieurs Negem, Bickham & Clark are the Plaintiff's attorneys and may offer testimony as to the reasonableness and necessity of attorneys fees in connection with the prosecution of Plaintiff's claims.

Kenneth L. and Frances J. Barton
10462 C.R. 1238
Tyler, Texas 75709
903/ 592-5464
Plaintiff's parents

Dena Andrews
1322 An. Co. Road 325
Frankston, Texas 75763
903/ 876-3911
Plaintiff's Sister

Clifton Brent Barton
3405 Colt Drive
Plano, Texas 75074
972/422-2587
Plaintiff's Brother

David Dial
17411 Mary Martin Drive
Flint, Texas 75762
903/ 825-3425
Plaintiff's Employer

Vance Stinson
2327 Woodhaven Drive
Tyler, Texas 75701
903/ 566-5268
Plaintiff's Minister

Charles Groce
205 Karla Drive
Whitehouse, Texas 75791
903/ 839-6046
Minister and Office Manager of former Employer

Benny Sharp
22194 Big Oak Drive
Flint, Texas 75762
903/ 825-6644
Co-worker and general manager of Church of God, Intl.

Roy & Angelina Geddes
22953 Three Points Drive
Frankston, Texas 75763
903/ 876-5776
Plaintiff's Former Co-workers

Nora Sharp
22194 Big Oak Drive
Flint, Texas 75762
903/ 825-6644
Plaintiff's Former Co-worker

Myra James
8313 El Cerrito Place
Tyler, Texas 75703
903/ 581-2621
Plaintiff's Former Co-Worker

Sue Mayfield

303 Pineda Street
Jacksonville, Texas 75766
903/ 586-4667
Plaintiff's Former Co-Worker

Carol Richmond
7552 Valleyview Drive
Frankston, Texas 75763
903/ 876-4740
Plaintiff's Former Co-Worker

Maxine McCartney
P. O. Box 130691
Tyler, Texas 75713
903/ 534-6250
Plaintiff's Ex-wife

Bill Young
c/o Cooper & Scully, P.C.
900 Jackson Street, Ste. 100
Dallas, Texas 75202
(214) 712-9500
Defendant

Sergeant Ken Findley
c/o Strasburger & Price, L.L.P.
901 Main Street, Ste. 4300
Dallas, Texas 75202
(214) 651-4300
Defendant

Captain Greg Grigg
c/o Strasburger & Price, L.L.P.
901 Main Street, Ste. 4300
Dallas, Texas 75202
(214) 651-4300
Defendant

Detective Clayton Perrett
c/o Strasburger & Price, L.L.P.
901 Main Street, Ste. 4300
Dallas, Texas 75202
(214) 651-4300

Defendant

Sergeant John Brown
c/o Strasburger & Price, L.L.P.
901 Main Street, Ste. 4300
Dallas, Texas 75202
(214) 651-4300

Defendant

Agents, servants, employees and representatives of the
City of Tyler
212 N. Bonner
Tyler, Texas 75701

Defendants

Robert W. Taylor, Ph.D.
Magellan Research Corporation
211 Paradise Cove
Shady Shores, Texas 76028
Telephone: (940) 565-4475

Mr. Taylor is an expert witness retained by Defendants in this case.

Agents, representatives, servants and employees of
Tyler Police Department
11 West Ferguson
Tyler, Texas 75702

These individuals may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Agents, representatives, servants, employees and Custodian of Records of
Smith County Sheriff's Department
106 E. Elm Street
Tyler, Texas 75702

These individuals may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Agents, representatives, servants, employees and Custodian of Records of
Smith County District Attorney's Office
100 N. Broadway Avenue
Tyler, Texas 75702

These individuals may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Greg Roberts
Tyler Police Department
711 West Ferguson
Tyler, Texas 75702

Mr. Roberts is a City of Tyler Police Officer and based upon information and belief Mr. Roberts was the arresting officer of the Plaintiff.

Wayne Thomas
Tyler Police Department
711 West Ferguson
Tyler, Texas 75702

Mr. Thomas is a City of Tyler Police Officer and based upon information and belief Mr. Thomas was the arresting officer of the Plaintiff.

Jimmy Dan Johnson

Address and phone number is unknown at the present time.

Mr. Johnson is a former City of Tyler Police Officer and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Doug Collard
13915 C.R. 193
Tyler, Texas 75701
903-509-2475

Mr. Collard is a former City of Tyler Police Officer and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Freddie McCroy

Address and Phone number is unknown at the present time.

Mr. McCroy is a former City of Tyler Police Officer and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Phil Pruitt

Address and Phone number is unknown at the present time.

Mr. Pruitt is a former City of Tyler Police Officer and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and

damages.

Mary Helen Derichsweiler

Address and phone number is unknown at the present time

Ms. Derichsweiler may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Lesa Klein

Address and phone number is unknown at the present time.

Ms. Klein is the former girl friend of Plaintiff and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Stephanie Grimes

Address and phone number unknown at the present time.

Ms. Grimes may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Officer Glen Walker

Tyler Police Department

711 W. Ferguson

Tyler, Texas 75702

Officer Walker is a City of Tyler Police Officer and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Eddie Parker

100 E. Ferguson, Ste. 714

Tyler, Texas 75702

903-595-6002

Mr. Parker is an attorney and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Pinkney Butler

6704 Fleta Court

Tyler, Texas 75703

903/581-7109

Mr. Butler is the Tyler City Manager and may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages. In addition, Mr. Butler has knowledge of the reason or reasons why Bill Young was forced to resign and/or was fired by the City of Tyler.

Laura Corbett, Reginald Garrett, Joyce Scurry, **Joey Seeber**, Larry Snodgrass, Ron Shaffer and agents, representative, servants and employees of **the**
Tyler City Council
212 N. Bonner
Tyler, Texas 75701
903/531-1100

*These individuals are members of the Tyler City Council and may have knowledge of the facts and circumstances surrounding the events in question **and** knowledge of all of Plaintiff's injuries and damages. In addition, these individuals have knowledge of the reason or reasons why Bill Young was forced to resign and/or was fired by the City of Tyler.*

Gary Landers, James Showen, Steven M. Kean and
Agents, servants, employees and representatives of **the**
City Attorney's Office
City of Tyler
212 N. Bonner
Tyler, Texas 75701
903/531-1100

*These individuals may have knowledge of the facts **and** circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries **and** damages. In addition, these individuals have knowledge of the reason or reasons why Bill Young was forced to resign and/or was fired by the City of Tyler.*

Gina Shank

Name and address unknown at the present time.

Ms. Shank may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Jeff Haas
908 1 Place
Tyler, Texas 75702
903/593-8338

*Jeff Haas is a criminal Defense Attorney and may **have** knowledge of the facts and circumstances surrounding the events in question and knowledge **of** all of Plaintiff's injuries and damages. In addition, Mr. Haas, being the criminal defense attorney for Plaintiff, had numerous discussions with agents, servant and/or employees of the City of Tyler, City of Tyler Police Department, and Smith County District Attorney's office with regard to the **improper** conduct on the part of the Tyler Police Department.*

Agents, servants, employees, representatives and Custodian of Records of the
KETK-TV Region 56
4300 Richmond Road
Tyler, Texas 75703
903/581-5656

These individuals may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Agents, servants, employees, representatives and Custodian of Records of
KLTW Channel 7
105 W. Ferguson
Tyler, Texas 75702
903/597-5588

These individuals may have knowledge of the facts and circumstances surrounding the events in question and knowledge of all of Plaintiff's injuries and damages.

Plaintiff reserves the right to cross-examine and elicit the testimony from any individual Defendant may call and/or properly and timely designated as a trial witness. These individuals' opinions may be found in their depositions and reports in this case, if any.

Additionally, Plaintiff hereby incorporates by reference any trial witness designated by any other party or future party to this litigation. Plaintiff hereby incorporates by reference any deposition testimony, reports, and/or Affidavits of any of these trial witnesses.

Plaintiff reserves the right to call trial witnesses whose testimony cannot be reasonably foreseen until the presentation of evidence against Plaintiff as proper under Federal Rules of Civil Procedure. Plaintiff further reserves the right to supplement his Trial Witness Designation in accordance with the Federal Rules of Civil Procedure. In addition, Plaintiff reserves the right to call at trial any of the following:

Any individual who has been or will be named by any other party to this lawsuit in response to any interrogatory or request for disclosure or whose name may appear on any document which has been produced or will be produced by any party in response to a request for production or a request for disclosure;

Any individual whose name is contained in or reflected in any document which has been or will be obtained through Deposition On Written Question, or whose name appears in any Oral Deposition taken in this case including any documents produced at such depositions;

Any individual whose name is contained or reflected on any document which have been or will be submitted to the court by Affidavit;

Any individual whose name is reflected in any document which has been or will be subpoenaed by any party hereto; and,

Any individual who may be called by any party hereto as a rebuttal witness.

Respectfully submitted,

NEGEM & BICKHAM
440 South Vine
Tyler, Texas 75702
Telephone: (903) 595-4466
Telecopier: (903) 593-3266

By:


JIMMY M. NEGEM

State Bar No. 14865500

ATTORNEY IN CHARGE FOR PLAINTIFF

Certificate of Service

I hereby certify that on the 1 day of APRIL, 2002, a true and correct copy of the foregoing instrument was served on all counsel of record via one of the following:

- | | | |
|-----|-------------------------------------------|-------------------|
| (A) | Certified mail, return receipt requested: | <u>✓</u> |
| (B) | United States Mail, postage paid: | <u> </u> |
| (C) | Facsimile; or | <u>✓</u> |
| (D) | UPS service: | <u> </u> |

STEPHANIE RICHARDSON